



TOWN PUMP, INC.
LEGAL DEPARTMENT

BUSINESS & LABOR

EXHIBIT NO. 1
DATE 3-6-09
BILL NO. HB 101

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December 30, 2008

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Department of Labor
ATTN: House Bill No. 101
P. O. Box 1728
Helena, MT 59624-1728

Subject: House Bill No. 101

Dear Representative Welborn and Department—

Thank you for preparing and sponsoring House Bill no. 101. From an employer's perspective, the longer time frames for reporting and prosecuting a theft are helpful, particularly the longer time frame for prosecution, which is something we can't control. It's very frustrating to have to pay an employee that you have captured on video stealing from you. Thanks.

Sincerely,

Eula Compton
Associate Counsel

HB 101

GENERALLY REVISE THE TIME PERIODS WITHIN WHICH AN EMPLOYER MAY WITHHOLD MONEY FROM AN EMPLOYEE'S FINAL PAYCHECK IN CASES OF THEFT OF PROPERTY OR THEFT OF FUNDS

REPRESENTATIVE JEFFREY WELBORN

SPONSOR'S PACKET

MARCH 6, 2008

Prepared by

Department of Labor and Industry

Employment Relations Division

Contact: Jerry Keck, Administrator

444-1555 (office) or 431-1880 (cell)

HB 101 SUMMARY

- 1. Section 1 of the bill amends section 39-3-204. Payment of wages generally.** (Adds 39-3-205 as a cross-reference.)
- 2. Section 2 of the bill amends section 39-3-205. Payment of wages when employee separated from employment prior to payday – exceptions.** (Extends the time limits for filing charges in court in the case of thefts by employees.)
- 3. Section 3 of the bill is the effective date of the bill.**

SECTION 1. (SECTION 39-3-204, MCA)

AMENDS SECTION 39-3-204. PAYMENT OF WAGES GENERALLY.

1. Adds 39-3-205 as a cross-reference.
2. Benefit: Allows the county attorney 30 days instead of 15 days to file a claim of theft in a court of competent jurisdiction. This delays the obligation of an employer to pay wages that have been withheld to cover the alleged theft until the allegation of theft is resolved through the legal process.
3. Proponents and opponents: None
4. Technical expertise: Jerry Keck
5. Any Committee Concerns: None
6. Anticipated questions: None
7. Federal Laws Involved: None

SECTION 2. (SECTION 39-3-205, MCA)

AMENDS SECTION 39-3-205. PAYMENT OF WAGES WHEN EMPLOYEE SEPARATED FROM EMPLOYMENT PRIOR TO PAYDAY – EXCEPTIONS.

1. Extends the time limits for filing charges in court in the case of thefts by employees.
2. Benefit: This change assures the employer has the opportunity to have alleged charges of theft docketed in court.
3. Proponents and opponents: Employer representatives may be proponents. Unknown if any representatives of labor may oppose this change.
4. Technical expertise: Jerry Keck
5. Any Committee Concerns: None
6. Anticipated questions: None
7. Federal Laws Involved: None

SECTION 3.

EFFECTIVE DATE IS 7-1-2007.